



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence H. Norton
General Counsel

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Associate General Counsel for Enforcement

Mark Shonkwiler
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SUBJECT: Pre-MUR 412 and MUR 5357— 24 Hour Tally
Additional RTB Recommendation as to Gary Esporin in First GCR

SEP 11 2003

On Monday, September 8, 2003, the First General Counsel's Report in Pre-MUR 412 and MUR 5357 was transmitted to the Commission. The voting deadline is 4:00pm on Thursday September 11, 2003.

The narrative discussion as to Respondent Gary Esporin on pp. 12-13 of the First GCR explicitly recommends Reason to Believe findings as to both 2 U.S.C. Section 441b and 2 U.S.C. Section 441f. In the Recommendations Section on p. 19, however, Recommendation #6 inadvertently omits the Section 441b Reason to Believe finding against Mr. Esporin.

Accordingly, for the reasons already set forth in the First GCR at pp. 12-13, the Office of the General Counsel requests that the Commission find Reason to Believe that Gary Esporin violated 2 U.S.C. 441b. Because the basis for the recommendation was set forth in the First GCR, and in order to consolidate the RTB Notification with those recommended in that Report, this Office requests that the Commission vote on this additional recommendation on a 24 Hour tally vote.

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